

A. G. Contract No. KR920850TRN KR92-2222-TRN
ECS File: JPA 92-19
Project: STP-022-1(6)/H R001 01C
Section: US-60 at Vulture Mine Rd
Install Traffic Signals

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF WICKENBURG

THIS AGREEMENT is entered into September 9, 1992, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF WICKENBURG, acting by and through its TOWN COUNCIL (the "TOWN").

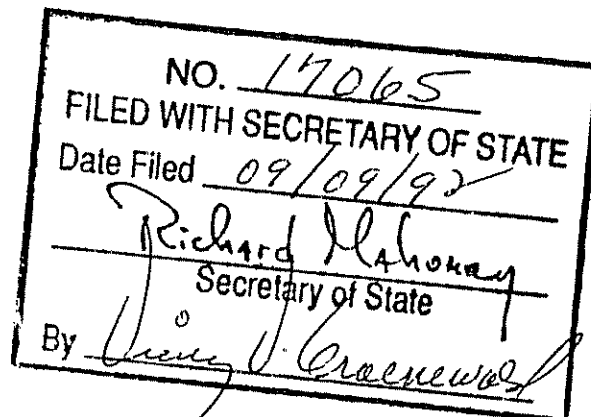
I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The State and the Town desire to install new traffic signals at the intersection of US-60 at Vulture Mine Road (MP 107.71) for the safety and benefit of the traveling public, at an estimated cost of \$80,000.00, to be shared by the Town, the FHWA and the State as reflected herein.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:



II. SCOPE OF WORK

1. The State shall advertise for bids and award a contract for the installation of the traffic signals and/or highway lighting on US-60 at Vulture Mine Road, MP 107.71, in the Town of Wickenburg.

2. The State will be responsible for any contractor claims for extra compensation attributable to the State.

3. The Town, in order to obtain federal funds for the construction of the project, is willing to provide the State with the Town funds to match federal funds in the ratio required or as finally fixed and determined by the FHWA. The work embraced in this agreement and the estimated cost are as follows: TRAFFIC SIGNAL

Estimated project cost	\$80,000.00
STP Federal Funds	\$37,720.00
Town of Wickenburg Funds @ 5.7%	\$ 2,280.00
Total Town Funds	\$ 2,280.00

The Town shall be responsible for fifty percent (50%) of the construction and construction engineering costs of the Project in an amount not to exceed \$40,000.00. Prior to the solicitation of bids, the Town shall deposit funds with the State in the amount determined by the State to be necessary to match federal funds in the ratio required. Upon completion of the construction contract, the State shall return to the Town any part of the funds deposited by the Town remaining after the Town's pro rata share of the cost, as finally fixed and determined by the FHWA, has been paid.

4. Should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent or scope of the work called for in this agreement, the State shall not be obligated to incur any expenditure in excess of the amount of the Town's deposit unless and until so authorized in writing by the Town.

5. The Town will be responsible for any contractor claims for extra compensation attributable to the Town.

6. This agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals and/or highway lighting are complete, in place, and functional.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

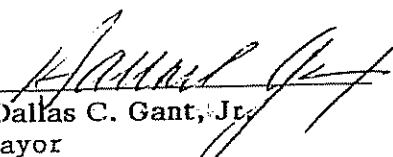
Town of Wickenburg
Town Manager
PO Box 1269
Wickenburg, AZ 85358

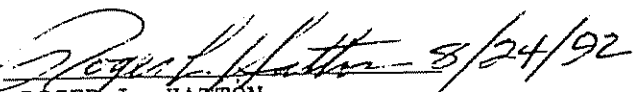
6. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF WICKENBURG

STATE OF ARIZONA
Department of Transportation

By 
Dallas C. Gant, Jr.
Mayor

By  8/24/92
ROGER L. HATTON
State Traffic Engineer

CONSTRUCTION - TRAFFIC SIGNALS

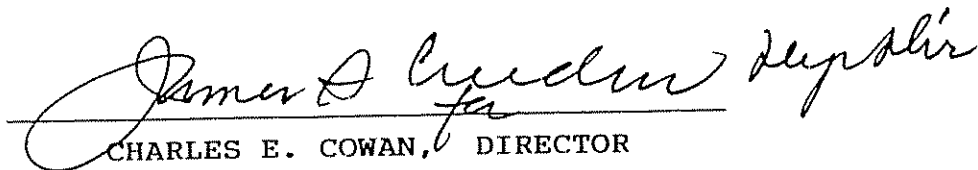
60 MA 107 H3197 01C F-022-1-515

US 60 at Vulture Mine Road - MP 107.71

TOWN OF WICKENBURG

RESOLUTION

BE IT RESOLVED on this 29 day of Jan 1992, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the TOWN OF WICKENBURG for the installation of traffic signals and/or highway lighting justified by a traffic signal needs study. The TOWN OF WICKENBURG shall reimburse the STATE for 50% of the final construction and engineering costs not to exceed \$40,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.


CHARLES E. COWAN, DIRECTOR
ARIZONA DEPARTMENT OF TRANSPORTATION

RESOLUTION NO. 1187

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, RESOLVING THAT THE TOWN OF WICKENBURG ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, WHICH IN ESSENCE APPORTIONS THE COSTS FOR CONSTRUCTION OF A TRAFFIC SIGNAL AND/OR HIGHWAY LIGHTING 50%/50% AMONG THE PARTIES HERETO.

WHEREAS, the Town is desirous of having a traffic signal, along with attending other necessary lighting and improvements, constructed at the intersection of U.S. Highway 60 at Vulture Mine Road (Milepost 107.71) in the Town of Wickenburg, and

WHEREAS, the State of Arizona, by and through its Department of Transportation, has agreed with the need for such signal and other attending improvements and has, therefore, resolved through ADOT Resolution to enter into an Intergovernmental Agreement with the Town of Wickenburg to cause such construction and to share the cost on a 50/50 basis with the Town of Wickenburg, and

WHEREAS, the Intergovernmental Agreement to which this Resolution is attached sets forth the terms, provisions and conditions along with the rights and obligations of the respective parties.

BE IT THEREFORE RESOLVED as follows:

1. The Intergovernmental Agreement attached hereto and to which this Resolution will be denoted as Exhibit "A" thereto, be and is hereby authorized, approved and adopted.
2. The Common Council of the Town of Wickenburg authorizes the Mayor to enter into and otherwise execute the Intergovernmental Agreement.
3. The Town of Wickenburg agrees, and does by these presence, agree to be bound by all terms, provisions and conditions of the Intergovernmental Agreement and to accept any obligations imposed upon it and accept the benefits gained therefrom.

APPROVED, PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, THIS 2nd DAY OF March, 1992.

ATTEST:

Edna Grieves
Edna Grieves, Town Clerk

Date: March 3, 1992

James M. Mason
James M. Mason, Mayor

Date: March 2, 1992

ABC264

APPROVED AS TO FORM:

Harry E. Craig
Harry E. Craig, Town Attorney
Date: Feb. 26, 1992

Number of Councilmembers Present 7
Number of Votes For 7
Number of Votes Against 0-

Minutes of _____, 19_____,
meeting of Mayor and Common Council at which this Resolution
was approved, passed and adopted were certified on the _____ day
of _____, 19_____.

By _____
Deputy Town Clerk

ABC264

EXHIBIT "B"

APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the TOWN OF WICKENBURG and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 3rd day of March, 1992.

TOWN OF WICKENBURG

BY: Harry E. Gandy
Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT

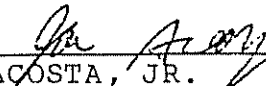
DETERMINATION

A. G. Contract No. KR92-2222-TRN , an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 31 day of August , 1992.

GRANT WOODS
Attorney General



JOE ACOSTA, JR.
Assistant Attorney General
Transportation Section